

Appl. No. 10/751,362
Docket No. AA611
Amdt. dated August 18, 2009
Reply to Office Action mailed on May 22, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 1, 9, 11, 22-30, and 32 are pending in the present application, with claims 25-29 being withdrawn from consideration. No additional claims fee is believed to be due.

Independent claims 1 and 30 are amended herein to recite that the graphics are printed on the n absorbent articles in a randomly selected order. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 U.S.C. § 103 over Pargass in view of Yeo

In the Office Action, claims 1, 9, 11, 22-30, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,558,499 issued to Pargass et al. (hereinafter "Pargass") in view of U.S. Patent No. 5,503,076 issued to Yeo et al. (hereinafter "Yeo"). It is respectfully submitted that the Office Action has not established a prima facie case of obviousness, because the cited combination of Pargass and Yeo does not teach or suggest all the claim limitations recited in amended independent claims 1 and 30. (See MPEP § 2143). Further, it would not be obvious to modify Pargass to include such claim limitations.

As discussed above, independent claims 1 and 30 are amended herein to further clarify the randomly selected order recited therein. More particularly, claim 1 is amended to recite that the printed graphics are printed directly on each backsheet of the n absorbent articles in a randomly selected order and the n absorbent articles are stacked in the package in the randomly selected order. (emphasis added). And claim 30 is amended to recite that the printed graphics are printed directly on each sheet of the n absorbent articles in a randomly selected order and the n absorbent articles are stacked in the package in the randomly selected order. (emphasis added). It is respectfully submitted that the cited combination of Pargass and Yeo does not teach or suggest the claimed randomly selected printing of graphics directly onto the backsheets and sheets of the absorbent articles of claims 1 and 30

and the stacking absorbent articles in a package in the randomly selected order. In contrast to claims 1 and 30, Pargass teaches articles with distinct repeating graphics in packages. (emphasis added). (See Col. 5, ll. 2-6; and Col. 15, ll. 58-63).

In further contrast to printing a graphic directly on the backsheets and sheets of as recited in claims 1 and 30, Pargass discloses a diaper having a graphic printed on a patch, which may be joined with a backsheet. For example, Col. 8, ll. 47-48 of Pargass states: "Fig. 4a shows a method for making an appliqué layer 26 by placing a graphic 21 on a moving non-woven web, which forms the backsheet to the absorbent article." (emphasis added). For clarity, Figures 4A and 5A of Pargass are reproduced below with reference numbers of particular interest being circled.

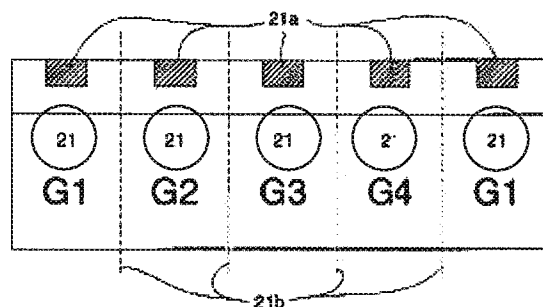


FIG. 5A

With regard to Figure 5A, Pargass discloses that the graphics 21 are provided from a first MD continuously moving layer or master roll 32, which has a plurality of graphics 21 and a corresponding plurality of reference markers 21a printed thereon. (emphasis added). (See Col. 8, ll. 51-55). With further regard to Figure 4A, Pargass describes in more detail a method by which the graphics are applied to a nonwoven outer layer 22.

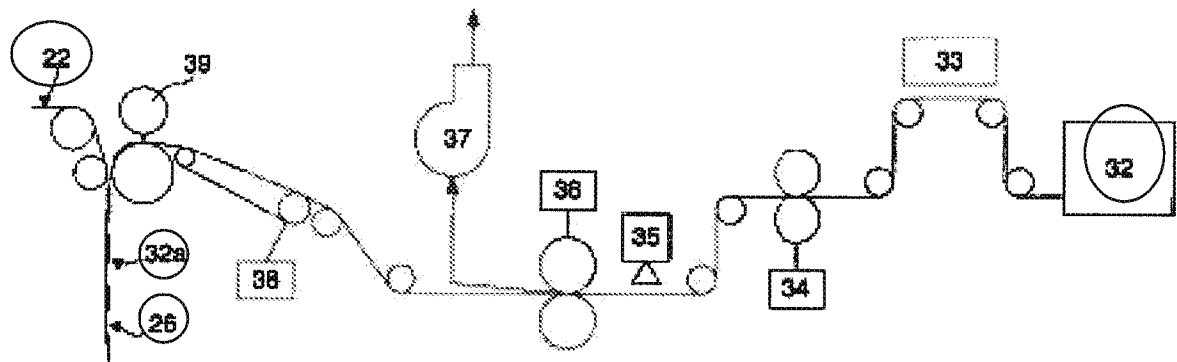


FIG. 4A

In particular, Pargass discloses that the continuously moving master roll 32 is conveyed by conveyor 34 and a photo-eye or optical sensor 35 detects the reference markers 21a. Once the reference markers 21a have been sensed or detected, they can be removed by any suitable means, and once the reference markers 21a are removed, the master roll 32 (without any reference markers whatsoever) is conveyed forward by servodrive 38 to cutting means 39. At cutting means 39, master roll 32 is cut at predetermined locations 21b to form individual segments 32a, which are then applied to non-woven outer layer 22 to form applique layer 26. (emphasis added). (See Col. 9, ll. 26-35). As such, Pargass discloses that the graphics 21 are printed on a continuously moving layer or master roll 32 cut into individual segments 32a, which are applied to an outer layer 22. However, Pargass does not teach or suggest absorbent articles each having a printed graphic printed directly on a sheet of material of the backsheet wherein the sheet of material extends from the first waist region to the second waist region as recited in claims 1 and 30. Accordingly, Pargass does not teach or suggest all the claim limitations recited in claims 1 and 30. Yeo fails to correct the deficiencies of Pargass.

Thus, it is respectfully submitted that, for at least the reasons discussed above, claims 1 and 30 are patentable under 35 U.S.C. § 103(a) over the cited references. Claims 9, 11, and 22 and claims 23, 24, and 32 depend from and include all the limitations of claims 1 and 30,

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respectively. As such, for at least the same reasons discussed above with reference to claims 1 and 30, claims 9, 11, 22-24, and 32 are also patentable under 35 U.S.C. § 103(a) over the cited references.

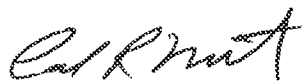
Therefore, it is believed that claims 1, 9, 11, 22-24, 30, and 32 are in form for allowance and such indication is respectfully requested.

Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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